

Frequently Asked Questions

**Kansas Office of Administrative Hearings
1020 S. Kansas
Topeka, Kansas 66612-1327**

Q. What is a Medicaid fair hearing?

A. A fair hearing is very similar to a trial in court with witnesses, exhibits, and rules of evidence. The hearing is your chance to tell your side to an impartial Presiding Officer. The hearing is tape recorded. The recording will become part of the official record of your case. Fair hearings involving adverse decisions/adverse actions by the Kansas Medicaid agency are administered by the Kansas Office of Administrative Hearings.

Q. How do I request a Medicaid fair hearing?

A. Send your written request for a hearing to the address indicated on the notice you received. It must be received by the Kansas Office of Administrative Hearings within 33 days after the date of the notice. The forms for requesting a fair hearing regarding an adverse action involving Medicaid can be found at <https://www.oah.ks.gov/Home/Forms>.

Q. What should my request include?

A. Be sure to include your full name, address, telephone number, a copy of the notice from which you are appealing, the name of the agency or managed care organization and a description of the action you are appealing. If at any time during the appeal process your address changes, it is your responsibility to provide that address change to the Presiding Officer at the Kansas Office of Administrative Hearings.

Q. How do I withdraw my request for a Medicaid fair hearing?

A. The form for withdrawing a request for a fair hearing can be found at <https://www.oah.ks.gov/Home/Forms>.

Q. When will the hearing be held and how will I be notified of the hearing date?

A. Generally, the hearing is held within 45 days after your request is filed with the Kansas Office of Administrative Hearings. Notice of the date, time, and place of the hearing will be sent to you at least 10 days before the hearing.

Q. Where will the hearing be held?

A. Hearings are conducted by telephone and also at the Kansas Office of Administrative Hearings.

Q. May I review the information relied upon by the Medicaid agency in making the decision or taking the final action?

A. Yes. You or your representative may review such information prior to the hearing date.

Q. What will I need to bring to the hearing?

A. Please bring a copy of the agency summary sent to you, which outlines the facts of your case. You may bring any other information that you think will help to prove that the Medicaid agency's decision or final action was incorrect.

Q. May I bring an attorney or other representative to the hearing?

A. Yes. You may have an attorney and in some instances, you may have a non-attorney represent you at the hearing. If you have a question, you should contact the Presiding Officer handling your case. The attorney or other representative will be at your expense. If you hire an attorney, he or she must be licensed in the State of Kansas and enter their appearance on your behalf prior to the hearing. The authorized representative form for someone representing an applicant or beneficiary during the Medicaid application or renewal process may be found at [KDHE Releases of Information-Medical Representative forms](#). The authorized representative form for members of a KanCare health plan are available by accessing each health plan's Member Handbook through the KanCare website at <http://www.kancare.ks.gov/>.

Q. May I bring witnesses to the hearing?

A. Yes. You may bring any person with you to the hearing who has relevant information about your case.

Q. Can witnesses be subpoenaed?

A. Yes. The Presiding Officer can issue a subpoena that requires the subpoenaed person to attend the hearing. If you want a subpoena issued, you must make a written request to the Presiding Officer with the name of the witness and his or her address at least 7 days before the hearing. You will be responsible for serving the subpoena on the witness and any costs associated with the witness attending the hearing.

Q. Who conducts the Medicaid fair hearing?

A. A Presiding Officer from the Kansas Office of Administrative Hearings conducts the hearing.

Q. Does the Presiding Officer represent me or the agency?

A. Neither. The Presiding Officer is impartial and he or she will write an Initial Order based upon what is presented by the Medicaid agency and by you.

Q. If I am dissatisfied with the Initial Order of the Presiding Officer, what is the next step?

A. You may request a review in writing and send it to the State Appeals Committee, 1020 S. Kansas Avenue, Topeka, Kansas 66612-1327, within 15 days of the initial order. Your request should include the specific reasons why you feel that the Initial Order was in error. There will not be another hearing. The State Appeals Committee will review the record of the hearing, the Initial Order and your reasons for appeal.

Q. What is the State Appeals Committee?

A. It is a three-member panel made up of individuals from the agencies involved. These individuals have knowledge of the agency's programs and policies. They will review the Presiding Officer's Initial Order and the reasons for the appeal. The State Appeals Committee will issue a Final Order.

Q. If I am dissatisfied with the Final Order of the State Appeals Committee, what is the next step?

A. You may file a Petition for Review with the district court clerk in the county in which the order or agency action you are appealing was issued pursuant to K.S.A. 77-601 *et. seq.*